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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review

Benin *

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its second session from 5 to 19 May 2008. The review of Benin was held at the 5th meeting on 7 May 2008. The delegation of Benin was headed by Mr. Honoré AKPOMEY, Director of Cabinet, Ministry of Justice, Legislation and Human Rights of Benin. For the composition of the delegation, composed of 8 members, see annex below. At its 9th meeting held on 9 May 2008, the Working Group adopted the present report on Benin.
2. On 28 February 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Benin: Nicaragua, Madagascar and Germany.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Benin:
 - (a) A national report submitted in accordance with paragraph 15 (a) (A/HRC/WG.6/2/BEN/1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/2/BEN/2);
 - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/2/BEN/3).
4. A list of questions prepared in advance by Denmark, Latvia, the Netherlands and the United Kingdom of Great Britain and Northern Ireland and was transmitted to Benin through the troika. These questions are available on the extranet of the UPR.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. At the 5th meeting, on 7 May 2008, Mr. Honoré AKPOMEY, Director of Cabinet, Ministry of Justice, Legislation and Human Rights of Benin introduced the national report. He indicated that Benin fully endorsed the ideals of the Human Rights Council, recognizing the importance of the UPR in implementing global objectives for the promotion and protection of all human rights, including the rights to development, as well as in taking stock of the human rights situation. He welcomed the opportunity to have a constructive dialogue which will contribute to strengthening the significant progress in the implementation of all the international legal instruments to which Benin is a party, and stated that Benin is ready to fill any possible gaps. The drafting of the national report was the result of broad consultations, including with all the components of civil society and State structures. The Conference of all sectors in the nation, which was held in Cotonou from 19 to 28 February 1990, made it possible in Benin to announce an era of democratization based a comprehensive multi-party system. This new option led to the setting up of a legal framework as also political and institutional structures for the gradual setting up of a State of law and pluralist democracy. Benin thus adopted the Constitution in December 1990, and has since then gradually become a party to most of the international and regional human rights conventions and committed itself to cooperating with the relevant supervising bodies and various related mechanisms. In order to follow up on its international commitments, Benin has proceeded to the strengthening of its standard setting and institutional framework for the enjoyment of human rights, despite its limited resources. In this context, the Constitution of December 1990 states that ratified international

treaties prevail over domestic legislation and regulatory standards. Benin has also taken legal or regulatory measures to incorporate international instruments into domestic law and to integrate recommendations of treaty bodies. This was the case with the Persons and Family Code in 2006; the Code on the Child in 2007; the Law on combating the financing of terrorism and money laundering in 2006; the Law on political parties, and the reform of the texts concerning offences linked to the media.

6. The institutional framework has been strengthened by the creation of various institutions and structures aimed at ensuring the promotion and respect of human rights, such as the Constitutional Court, the Senior Authority for Audiovisual and Communication, the High Court of Justice, the Economic and Social Council, the National Advisory Council for Human Rights, the Committee for the follow-up of the implementation of international legal instruments, the creation of new jurisdictions, the National Commission on the Rights of the Child, the Presidential Mediator and the Minors' Protection Police Units (*Brigade de protection des mineurs*). Benin has also taken a number of measures aimed to protect and promote human rights, inter alia, free-of-charge pre-school and primary schooling; a programme for granting micro-financing for the poorest; the promulgation of a law concerning the status of Benin's judiciary; and free health care for children up to five years of age, reinforced by a campaign for the distribution of impregnated mosquitoes nets to pregnant and breastfeeding women. The regular participation of Benin in the work of the Human Rights Council, the submission of the periodic reports to the treaty bodies and the implementation of their recommendations all contribute to strengthening the promotion and protection of human rights. Benin noted also that considerable progress has been made within the framework of the promotion and protection of human rights on the ground, in particular in the field of economic, social and cultural rights as well as civil, political and other fundamental rights. To guarantee the right to an adequate standard of living, Benin has adopted several strategies and programmes to combat and mitigate poverty, such as the Strategy Document for Poverty Reduction and the Growth Strategy for Poverty Reduction 2007-2009. These documents reflect the Government's vision and its priority to strengthen the micro-economic framework, good governance and the ability of the poor to participate in the decision-making and productive processes. As to the right to education and culture, Benin has adopted in February 2005 a letter on educational policy in order to guarantee education for all between now and 2015, in conformity with the Millennium Development Goals. As to the right to housing, the adoption of Law No. 2007-03 of 17 October 2007 on rural lands will enable the improvement of land tenure systems. Furthermore, the State is planning to build social housing and is drafting a national land policy. With regard to the prevention of torture and other cruel or inhuman and degrading treatment, Benin on 20 September 2006 became a party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and in application of its provisions has started setting up a national mechanism for the prevention of torture. The head of the delegation stated that Benin is ready to welcome the Sub-Committee on the Prevention of Torture from 18 to 26 May 2008. Furthermore, Benin has rehabilitated and compensated victims of acts of torture perpetrated under the revolutionary regime.

7. Benin also stated that despite the significant progress made, considerable challenges still have to be met. This review process therefore provides an opportunity for Benin to launch an appeal for international cooperation in order to deal with the numerous inadequacies in implementing all the international instruments and to continue with the ratification of relevant instruments. The consideration of the national report will provide an opportunity, thanks to the contribution of the delegations, to Benin to strengthen its commitment to the compliance of its international obligations and to find solutions to address those gaps.

B. Interactive dialogue and responses by the State under review

8. During the ensuing interactive dialogue, 40 delegations made statements, praising Benin for the quality of their presentation and their national report.

9. Algeria noted with interest the efforts made by Benin in combating poverty and the priority axes in the microeconomic framework aimed at good governance and the ability of the poor to participate in decision-making process and in productive processes. While noting that the right to a decent standard of living is a legitimate concern which calls for sustained international support, it asked in what form Benin would like to see assistance being provided to it. It also asked what measures have been taken to achieve free and mandatory education and tackle the problem of illiteracy. Algeria recommended considering, with targeted international support, the extension of free education up to the secondary level; and continuing the information campaign in favour of admitting girls to school.

10. Brazil welcomed the establishment of new institutions aimed at protecting and promoting the rights of the child as well as the plan for strengthening the judiciary and the judicial system. With regard to the situation of child labour, Brazil noted that child domestic workers are frequently victims of cruel, inhumane or degrading treatment. It called on the international community to provide Benin with technical and financial support to improve the national machinery to protect human rights. It recommended to Benin to take steps to promote institutions and human rights bodies and to seek the support of the international community. With regard to water supply, Brazil asked what practical measures Benin is taking to increase the number of households with clean water supply in the next year, in line with the Millennium Development Goal target.

11. Belgium commended Benin on its efforts to improve the human rights situation, in particular by protecting children, and welcomed progress made in terms of school attendance. It indicated that Benin is one of the partner countries of Belgium since 2002. It noted that the level of malnutrition of children and reports of trafficking of children were issues of concern. It asked whether the world food crisis was likely to worsen the situation of the population and what measures Benin is planning to take to protect the population. Belgium recommended that Benin intensify its efforts to provide support and material assistance to the most marginalized and most underprivileged families to effectively guarantee the rights of children through a sufficient standard of living and the right to education. It also asked whether Benin is going to re-examine article 88 of the Criminal Code and recommended in that regard that Benin consider decriminalizing homosexual activities between consenting adults.

12. China welcomed the training courses offered to judges, trade union officials, civil society organizations and journalists, which are conducive to enhancing the legal and human rights awareness of people and also provide a useful point of reference for human rights education in developing countries. It noted with appreciation the various projects, plans and legislation formulated by the Government to protect vulnerable groups such as women, children and disabled persons. It also welcomed measures to eliminate illiteracy and to extend compulsory education and invited Benin to provide details on measures to improve prison conditions and to strengthen the protection of disabled persons and children.

13. Philippines noted that despite the challenges and constraints, Benin has made significant progress in improving the standard of living and the enjoyment of human rights and fundamental freedoms of its people. Increases were noted in the general enrolment rate for girls and boys and in the percentage of households with clean water supply. It asked further information about the village committees set up to combat trafficking of children and on the structure, composition, mandate and impact of these local and grass-roots committees. It also encouraged the establishment of a national

human rights institution in accordance with the Paris Principles and commended Benin on the measures and legislation it has enacted to protect the rights of girls and women. It encouraged Benin to continue strengthening national protection mechanisms and policies aimed at promoting the rights of women and girls, and congratulated Benin for being an abolitionist State in practice.

14. The Russian Federation positively assessed the moratorium on the death penalty and efforts to combat poverty. It noted challenges referred to in the national report, such as the improvement of prison conditions, the prohibition of torture, the development of education, the elimination of discrimination against women and a comprehensive protection of the rights of children. It noted difficulties in submitting reports to treaty bodies, stressed the necessity to strengthen cooperation with special procedures, and asked whether Benin has requested technical assistance from OHCHR to improve compliance with its reporting obligations to treaty bodies. It also asked whether Benin is planning to introduce legislation prohibiting corporal punishment of children and what measures are being taken to eliminate harmful traditional practices affecting the health of women.

15. The Democratic Republic of the Congo commended Benin on the consultations held in the preparation of its national report and noted the measures undertaken in improving the living conditions of the population. It noted that Benin has experienced political stability and referred to the holding of the National Benin Conference. It stated that the achievements in Benin have retained their attention and noted with appreciation that the Persons and Family Code has enshrined the equality of all children before the law regardless of their affiliation status. It commended Benin on the loans given to poor women to ensure their financial autonomy through gainful employment. It also requested information on the issue of trafficking of children and on additional measures taken in that regard.

16. Guinea noted that Benin, as a developing country, has special needs to meet its commitments to consolidate its mechanisms and strengthen its capacity to protect and promote human rights, and indicated that it was desirable that the international community and the Human Rights Council assist Benin in its efforts to combat poverty and social inequality. It enquired about the role of the King in resolving conflicts in the country.

17. Mali welcomed Benin's efforts to promote and protect human rights, and asked how Benin plans to settle the question of illiteracy, in particular amongst women, and about measures to eradicate the trafficking of children. It recommended that the international community assist Benin in the implementation of its human rights policy.

18. Canada noted with appreciation that Benin is at the top level of African countries with respect to freedom of expression and the press, but that despite its efforts, the country continues to be a source, a point of transit and a destination for victims of trafficking. Canada recommended to Benin to better apply the existing laws concerning trafficking in children and human beings. It noted concerns expressed by the Committee against Torture and the Human Rights Committee at allegations that torture and impunity were still common, and recommended that Benin define torture as a criminal offence in accordance with article 1 of CAT, and stipulate that obeying orders of superiors cannot justify the practice of torture. It further recommended that Benin investigate allegations of torture and ill-treatment and bring to justice those responsible, in line with international standards. With reference to the concerns raised by the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights (CESCR) that female genital mutilation (FGM) is still being practiced, Canada recommended that Benin accelerate and strengthen its efforts to elaborate laws and policies to deal with that practice. Canada also recommended establishing, as a priority, a reform of the judiciary by strengthening a justice system

which would be better able to combat impunity and corruption, including by putting an end to exaggerated pre-trial detention.

19. France commended Benin on efforts in the field of human rights and on the moratorium on death penalty, and enquired whether Benin plans to formally abolish it. Concerning the rights of women and children, it asked what measures Benin is planning to take in order to strengthen the struggle against traditional practices like FGM and infanticide of witch children. It also noted that practices contrary to the rights of women and children are still too numerous, such as forced marriages and various forms of marital violence, and asked how Benin is planning to combat more generally discrimination against women and if it plans to establish marital rape and forced marriages as criminal offences. It recommended that Benin take the necessary steps to strengthen its fight against discriminatory practices and violence against women.

20. Latvia noted an increase of investments in the national education programmes and indicated that UNICEF noted that the national education budget increased from 20 to 30 percent in 2007, as well as efforts to achieve gender parity in education. It emphasized the contribution of national education programmes to the improvement of civil society and the progressive development of human rights. It encouraged Benin to continue along these lines and enquired about future plans in this direction. Considering the positive cooperation with special procedures in 2007, it asked whether Benin would consider extending a standing invitation to all special procedures.

21. Denmark noted with appreciation the positive influence in the region while highlighting the remaining challenges, such as torture and violence against women. It noted with interest the comments made by the delegation concerning Benin's efforts for the protection against torture. Denmark recommended that Benin urgently amend its criminal law to comply with international relevant standards, and ensure that no statement obtained under torture or duress be invoked in proceedings and that orders from a superior may not be invoked as a justification for torture. Furthermore, it noted concerns expressed by the Human Rights Committee and the Committee against torture regarding police custody and torture and cruel and inhumane or degrading treatment. Denmark therefore recommended that Benin display greater firmness in preventing abuses of police custody, torture and ill-treatment and brings criminal proceedings against the perpetrators of such violations. Also, while appreciating the commitment expressed by Benin towards the implementation of the Optional Protocol to CAT, it recommended that Benin, following the recommendation of the Committee against Torture, establish without further delay an effective and independent national preventive mechanism. It also drew attention to the need to seriously address the issue of forced marriage, which persists in spite of the provisions of the new Family Code. Denmark therefore recommended that Benin reinforce measures to ensure that women are no longer subjected to forced marriage. This could be supported by developing and implementing comprehensive educational measures on the provisions of the Persons and Family Code and on other relevant laws.

22. The Holy See welcomed that since 2004 no sentence of capital punishment has been executed and recommended that Benin continue its efforts to completely abolish the death penalty, respecting thus the right to life. While noting that trafficking in children remains a visible phenomenon, it requested further information on additional measures envisaged to eliminate this phenomenon. Regarding the issue of infanticide of so-called witch children, it recommended that Benin develop an awareness campaign to address traditional beliefs that are harmful to the rights of children, especially their right to life. It also asked which supplementary measures were envisaged to defend the right to life of the child, in particular newborns.

23. Cote d'Ivoire noted with interest that Benin is a pioneer of freedom of expression and noted the efforts made in the field of human rights, in particular economic, social and cultural rights. It welcomed the adoption of the Persons and Family Code which strengthens the protection of women and girls, and further welcomed the implementation of the 2005- 2007 plan for judges and the judiciary system. It also recommended that the humanitarian international community intensify its cooperation with Benin to strengthen its capacities to address prison conditions. It also recommended that support be provided by the development agencies towards effective autonomization of women and girls. It also asked whether Benin intends to ratify the Optional Protocol to CAT.

24. The United States of America, while noting that Benin has held several successful elections in recent years that were deemed generally free and fair by international observers, and that in April 2008, local elections were held which had been postponed on several occasions, asked what steps Benin took to ensure that these elections were free and fair. It also invited Benin to describe how it addressed the issue of corruption and what additional steps were planned for the future.

25. Malaysia noted with interest the introduction of the various initiatives to eradicate poverty, including the provision of microcredit facilities. As a developing country, it noted the challenges faced by Benin and asked for further information on the growth strategy for poverty reduction.

26. Azerbaijan encouraged Benin to bring its legislation in line with international standards and give a preponderate place to education. It welcomed the increase of the budget for the educational sector, and that today education expenditures represent 22 per cent of the total budget. It also noted the authorities' determination to deal with violence against women and called on Benin to combat trafficking and the sexual exploitation of women. It wanted to know what measures were envisaged to solve the problem of children who do not go to school and work in the streets, and to reduce regional inequalities between villages and towns.

27. Angola welcomed the National Advisory Council for Human Rights which facilitates consultations between the different stakeholders. It noted that Benin constitutes a reference point in Africa in terms of democracy, with regular elections characterized by peaceful changes of political authorities. It suggested that Benin should consider implementing certain recommendations of treaty bodies in order to improve certain human rights indicators. It asked what the authorities are doing to improve prison conditions and to solve the problem of illiteracy, and in particular female illiteracy.

28. The delegation of Benin responded to various questions raised, in particular on the issue of trafficking in children, indicating that the phenomenon exists and that it has become a scourge for the country, also because of poverty. There is an active cooperation with neighbouring countries to address the issue, and domestic legislation has been adopted criminalizing trafficking. Other measures include the setting up of departmental and local committees to prevent the exploitation of children and of minors' protection police units (*Brigades de protection des mineurs*); however, this is not a definitive solution and its elimination requires continuing efforts. Regarding the issue of domestic violence and harmful traditional practices of women and children, the delegation highlighted the need to put into effect the conclusions and recommendations made in 2007 by the Committee against Torture. Benin is in the process of integrating provisions regarding the prohibition of violence against women through a special law, addressing rape, domestic violence and women's physical integrity, and of internalizing the definition of torture. Regarding harmful traditional practices, including the issue of "witch children," measures have been taken to address them and to implement recommendations made by the Committee on the Rights of the Child.

29. Regarding the implementation of the Optional Protocol to CAT, Benin approved the establishment of national mechanisms on the prevention of torture in December 2006, and in July 2007, a national seminar was held on the implementation of the Optional Protocol. Recommendations were made and a 10-member follow-up committee was set up, which developed a draft law on the prevention of torture, which is currently awaiting confirmation by the National Legislation Codification Committee. In addition, Benin is preparing for the visit of the Sub-Committee for the Prevention of Torture. On the question of prisons, 10 new prisons will be built in the next two years, eight from the national budget, and two with the support of Belgium. With regard to prison conditions, the main problems are overcrowding and food. However, the delegation indicated that literacy campaigns and rehabilitation activities have started in prisons. Regarding the issue of homosexuality, the phenomenon is not ignored but is marginal. Families would never allow their children to be taken to court for such an offence, so no criminal ruling has ever been rendered, although it is provided for by law. Beginning with the academic year 2006/2007, pre-primary and primary schooling are free of charge. In pre-primary education, the objective is to increase school attendance from 4 to 15 percent between now and 2015. Measures taken include recruiting additional teachers, increasing and improving infrastructure and the teaching curriculum. Other measures include recruiting supervisory staff, the improvement of programmes, new manuals and ensuring the presence of schools in remote disadvantaged and remote areas, as well as the construction of housing for teachers. On the question of literacy for adults, Benin envisages training trainers and a national policy on literacy was validated in April 2008. The priority plan of action for the reduction of poverty took specifically into account the question of literacy and actions in this direction will be taken very soon to ensure that those who did not have access to education take part in the development of the country.

30. On the question of the world food crisis, some immediate measures were taken, such as exoneration from custom duties on basic commodities such as rice, sugar, milk etc. In addition, Benin has fixed the price of these staple products and carries out daily price controls. Benin has also given a subsidy of several billions to the national food security unit to collect food which is sold more cheaply to the population. In the longer term, Benin intends to improve its agricultural productivity through, inter alia, better agricultural practice, upgrading of lands, better management of water resources and improved seed varieties. On the issue of drinking water, Benin envisages strengthening distribution capacity in towns, and is examining the possibility of lowering the price of water by privatizing the construction and operation of water supply systems, and particular efforts are being made to support the professionalization of local operators in the water industry. Benin is also strengthening the water initiative in urban areas not covered by an investment plan by the national water society, and drilling is underway in very remote regions; for the period 2007-2015, it is expected to drill 100 wells in rural areas. Regarding the fight against poverty, micro-credits are used to help solve the problem of poverty of young people, in particular women.

31. On the issue of FGM, a law was voted in 2003 to ban this practice and various measures were taken, including training programmes for public opinion leaders and practitioners of FGM with the help of NGOs, criminal action against individuals who practice FGM, awareness-raising actions for members of the judiciary, police officers and the population, as well as the reconversion of practitioners towards other activities, with the aim to eradicate this customary practice which is degrading for women and for the society as a whole. The Ministry of the Family deals with eradicating this practice at national level, but in addition Benin is cooperating with neighbouring countries and its partners on an agreement. Finally, measures relating to schooling and raising literacy also contribute to eradicating this practice. One difficulty in this field is the ease of movement of persons with neighbouring countries.

32. Cuba welcomed the positive spirit and Benin's readiness and will to continue to work to overcome its problems. It noted the steps taken by Benin towards institutionalizing a system to guarantee the protection of human rights and the implementation of programmes and specific measures to ensure their enjoyment and practice, which include measures taken to reduce poverty, decrease illiteracy and to promote the right to health for the poorest and most vulnerable people. For a country with limited resources such as Benin, pre-primary and primary school teaching have been provided free of charge, as well as health services for children up to five years of age and persons affected by AIDS. Cuba expressed the wish to associate itself with the dialogue with Benin and its appeal for international cooperation to support these efforts. Cuba wished to encourage Benin, in particular in the areas of economic, social and cultural rights, to continue achieving further progress.

33. With reference to discrimination against disabled children, Ireland recommended to develop a national policy and further measures concerning disabled persons in order to give disabled children access to social and health services, and asked what efforts have been made in this regard. With reference to the opinion of the CHR that laws criminalizing homosexual acts between consenting adults violate articles 17 (1) and 26 of ICCPR, Ireland called upon Benin to decriminalize homosexual relations between consenting adults.

34. Morocco noted with satisfaction the efforts made by Benin in drafting its report. It also commended Benin on its efforts to strengthen the rule of law, consolidate democracy and promote and protect human rights and fundamental freedoms, demonstrated by the establishment of an institutional framework characterized by the creation of institutions and mechanisms ensuring the protection of human rights. It also noted with satisfaction that international legislation prevails over national legislation, and that major laws have been adopted such as those on children and the family. It also welcomed the measures taken to ensure the right to education and the policies devoted to free primary education, and noted with interest the efforts made by Benin to guarantee the right to health. It noted that the appeal for international assistance was therefore of crucial importance and thus invited the delegation to specify, if possible, the priority areas in which it would like to receive special assistance.

35. The Syrian Arab Republic appreciated the establishment of new institutions to protect and promote the rights of the child, such as the National Committee on the Rights of the Child and the national unit to monitor and coordinate child protection activities, as well as the village committee set up to combat child trafficking. It asked about efforts taken to combat illiteracy, especially among women, and about the comprehensive educational measures taken with regard to the provisions of the Persons and Family Code and other laws designed to eliminate discrimination against women.

36. Bangladesh noted that in general the situation in Benin is encouraging and referred to the efforts to improve the school enrolment rate of girls and boys, and welcomed the national committee on the rights of the child and the National Unit to monitor and coordinate child protection. It noted that Benin has made considerable progress but recommended that the international community should support national efforts by providing necessary resources. It noted that some of the problems Benin faces today can be met by administrative and legal measures, but many others are related to the lack of adequate resources, strengthening of the judiciary and judicial system, improvement of prison and detention conditions, access to clean water, free education, and capacity-building in certain areas. It also requested information on Benin's experience and expectations with regard to international solidarity and support, particularly in the realization of the economic, social and cultural rights.

37. The Republic of Korea welcomed the efforts made by Benin to improve the promotion and protection of human rights. It asked about the steps taken by the Government to implement the Human Rights Committee's recommendation to set up a national human rights institution in accordance with the Paris Principle to replace the non-operating Beninese Commission on Human Rights. Furthermore, noting the Human Rights Committee's concerns expressed in 2004, it asked the delegation to elaborate on the situation of polygamy. It also asked whether torture has received a clear definition and included as offence in the criminal law, as recommended by the Committee against Torture. It also stressed the importance of the basic human rights including the right to food and encouraged Benin to intensify its efforts to guarantee to its people the right to food and all other human rights.

38. Senegal welcomed the efforts made by Benin to meet its commitments in the area of human rights, and welcomed the progress made with regard to disabled persons, the realization of the right to education, and access of drinking water, for which UNICEF noted the significant progress. With respect to constraints and challenges Benin identified, it noted the political will and encouraged the international community to grant Benin technical assistance. It asked if Benin has engaged the procedure for ratification of ICRMW, which Benin signed in 2005.

39. Nigeria commended Benin on its inclusive approach to the preparation of its national report and welcomed the ratification of various human rights international instruments. It noted with interest Benin's determination to strengthen its human rights structures and the possibility for individuals to bring matters in a simple procedure and for courts to play a role in protecting fundamental rights. It also commended Benin on its health programmes and projects. It also noted the efforts of Benin in its fight against children trafficking and reaffirmed that Nigeria will continue collaborating with Benin in this endeavour. It asked further how Benin was able to successfully bridge the gap between boys and girls in school enrolment. It recommended to Benin to continue focusing on the eradication of poverty and ensuring the general wellbeing of its people. It called on the international community to support the efforts of Benin in order to achieve the MDG targets.

40. Egypt welcomed Benin's commitments with the various mechanisms of the Human Rights Council, including the UPR. It commended Benin on the significant progress made in the area of democracy and in the promotion and protection of human rights noting that democracy in Benin, based on multi-partyism, is an example of stability despite its lack of resources and national capacities. It also commended Benin on the high level of ratification of international and regional human rights instruments and the establishment of the normative and institutional framework necessary. These measures reflect Benin's commitment to ensuring the promotion and protection of human rights, in particular economic, social and cultural rights. Egypt asked whether, in the context of its appeal for international support to strengthen its capacity in the field of human rights, Benin has identified specific measures or projects, according to its national priorities, which could be covered by the international assistance. In that regard, it indicated that a voluntary fund for the UPR has been established and devoted specifically to the implementation of the outcome of the UPR, and asked if Benin could present to the Human Rights Council with such list a before the adoption of the final outcome of the review in June. It also asked if Benin plans to ratify the Convention on the Rights of Persons with Disabilities.

41. Tunisia noted with interest the presentation and report on the legislative and institutional framework adopted by Benin for the promotion and protection of human rights, and welcomed the determination to continue the reforms undertaken over the last few years with a view of establishing the rule of law and the respect for human rights. It noted the various draft laws under examination, including on the freedom of the press and the decriminalization of offences related thereto. Among the various measures, it also noted those aimed at increasing the rate of school attendance through

free education at the primary level, and asked about Benin's combat against illiteracy in general, in particular among women. Tunisia recommended to Benin that it continue its efforts to ensure greater promotion of the rights of women in particular of girls in the areas of education and health care.

42. The Netherlands commended Benin for their commitment to the UPR and the work done in setting up a legal framework and policies in the field of human rights. It also noted with interest the efforts made to ensure freedom of press. It referred to the Human Rights Committee's concern that the individual complaint procedure before the Constitutional Court is largely unknown to the public, and asked how Benin would raise awareness on this and address this lack of information which leads to a lack of access to justice. It also welcomed the de facto moratorium on the death penalty observed by Benin since 1987 and called on the Government to permanently abolish the death penalty. It asked further information about the findings of the multidisciplinary committee which reflects on the possibilities of abolition. While welcoming the efforts undertaken by Benin to improve the conditions of detainees, it noted the concerns raised by the Human Rights Committee and the Committee against Torture in that regard. It recommended that Benin take effective measures to ensure that prison conditions are consistent with international standards. It also commended Benin on new projects, programmes and laws to protect the vulnerable, including women, children and disabled persons. Despite these good initiatives, practices such as child abuse, child trafficking, FGM and sexual harassment still persist. It thus recommended that Benin continue to strengthen its efforts to provide for better legal protection for the vulnerable groups and to guarantee their rights on the ground.

43. The United Kingdom of Great Britain and Northern Ireland welcomed the answers to its questions posted in advance, including on promoting access to education and the Optional Protocol to CAT. It commended Benin on the work undertaken to establish a national preventive mechanism as specified by the Optional Protocol and indicated the willingness of the United Kingdom to continue its bilateral cooperation in this regard. It recommended that Benin take measures to ensure that torture is defined and listed as a specific offence within its criminal law. It also welcomed Benin's legislative reforms to eliminate discrimination against women and to protect the rights of children, specifically the adoption of legislation outlawing the practice of FGM, but noted that CEDAW had expressed concern that some forms of FGM are still practiced in some villages and referred to the concerns expressed on the absence of specific laws against domestic violence and the trafficking of women. The United Kingdom also expressed concern that a high number of adolescent girls are trafficked for the purpose of sexual exploitation and domestic labour to other countries, asked whether Benin plans to further work in these areas and recommended that it take further steps to establish and implement laws against domestic violence and the trafficking of women and children, and to ensure that existing laws prohibiting FGM are reviewed and enforced throughout the country. The United Kingdom also noted that the Committee against Torture and the Human Rights Committee concerns about the poor prison conditions, including overcrowding, ill-treatment and the delays in the judicial system and inquired on the measures taken by Benin to address these issues and tackled impunity of law enforcement officials.

44. Burkina Faso noted that the constraints and difficulties faced by Benin in the implementation of its international human rights obligations were common to many developing countries and recommended that the Human Rights Committee and the OHCHR examine more closely the effectiveness of the assistance provided to these countries, and noted that sociological difficulties still limit the defence of certain rights, in particular, of women and children, a difficulty faced by many African States, and asked Benin if it envisages to challenge harmful practices which limit the full enjoyment of rights.

45. Pakistan commended Benin on the broad consultations with all stakeholders for the preparation of the national report. It noted the international human rights instruments to which Benin is party and the legislative, judicial and administrative steps taken to guarantee the promotion and protection of human rights of its citizens. It also noted with appreciation the efforts to address some of the key concerns such as the right to education, right to a dignified life, the freedom of expression, the rights of women, children, disabled and family unit. It also noted Benin's acknowledgment of the ongoing and remaining challenges including the lack of resources and under-development and hope that it will receive the necessary technical and material support from the international community. It asked about steps taken by Benin to raise awareness of the opportunities people have to bring matters before the Constitutional Court.

46. Italy, while noting that Benin adopted a de facto moratorium on executions many years ago, indicated that decisive steps towards abolition would be particularly welcome. It asked whether Benin would soon adopt measures in this direction. While welcoming efforts in the justice sector, which have led to a fairly positive legal framework, it noted difficulties regarding the actual achievements of individual rights, often caused by the persistence of certain prejudices or beliefs linked to certain traditions particularly concerning the rights of children and women, where the absence of a strategy to facilitate human rights education is more obvious. It asked whether the authorities are envisaging improvement of their performance in this field.

47. Slovenia noted the requirement of fully integrating a gender perspective in the UPR and asked about the steps taken by Benin to comply with this requirement in its consultations, the preparation of the national report and the next stages of the review. It recommended that Benin systematically and continuously integrate a gender perspective in the follow-up process to the review.

48. Chad welcomed efforts made to realize political, economic, social and cultural rights and the fact that primary education has been free of charge, and noted the micro-credit programme addressed to the poorest to exercise income-generating activities. It called on development partners to provide Benin with all the necessary assistance it needs to exercise its reform programme to reduce poverty in the country. It asked if on the sub-regional level or with neighbouring countries there is any a legal mechanism or cooperation to address the problem of trafficking in children.

49. Mexico acknowledged the efforts made by Benin to promote and protect human rights and implementing the recommendations of the Committee on the Rights of the Child, notably as concerns the adoption of a plan of action to prevent and combat exploitation and sexual abuse. Mexico recommended that Benin promote the visit of the Special Rapporteur on the sale of children, child prostitution and child pornography which could contribute to the efforts of Benin in its protection of the children. It also noted the obstacles faced in particular with respect to the administration of justice. It recommended that Benin strengthen its cooperation with special procedures of the Human Rights Council, by accepting visits, replying to communications, urgent measures and questions by special procedures. It also noted the moratorium on the death penalty and invited Benin to consider the abolition of death penalty and to consider ratifying the Second Optional Protocol of the ICCPR. It also asked further information on the steps taken on the national human rights programme supplementing existing measures to strengthen the promotion and protection of human rights.

50. South Africa welcomed efforts made in the area of the right to education despite Benin's limited resources. It requested further information on the status of the provision of adequate housing in the light of the legislative measures undertaken. It recommended to Benin to explore

ways to partner with the international community in the context of international cooperation in the provision of technical assistance to deal with challenges caused by the difficult economic situation. It recommended to Benin to continue its acceleration of the poverty alleviation strategies with a view to allowing the economic emancipation of the poorer communities, including women and other vulnerable groups.

51. Mauritania noted the efforts made in the context of combating poverty and the protection of most deprived sections of society. It asked Benin about initiatives adopted to combat FGM and recommended to Benin to pay more importance to the schooling of girls in its education programmes, which would certainly contribute to combating FGM.

52. Sudan welcomed the important role Benin has played within the context of the group of the least developed countries and its efforts towards the application of the ICESCR and the achievement of the MDGs, including poverty reduction and the introduction of free education. It recommended that Benin share with the least developed countries its efforts to overcome its challenges in enhancing economic cooperation with other developing and developed countries at bilateral, regional and multilateral levels.

53. Regarding the “King of Benin”, the delegation of Benin noted that traditionally, it is an honorary position, related inter alia to clans and families, who are nowadays seen as public opinion leaders. They do have an importance in dealing with certain small conflicts. Regarding the aid that Benin would like to receive to offer a decent standard of living, noted that actions are taken, but funds are needed. There is a will to solve social problems, which can be seen from the budget: for first time, the budget is over 1 million billion CFA francs. Benin would like additional aid for basic amenities, such as medical dispensaries and schools. Many countries already provide aid, but what is needed is a ‘Marshall Plan’ for Benin. The situation helps to explain migration issues. What is also needed is help to improve trade. On the issue of disabled persons, Benin is not party to the Convention on the Rights of Disabled Persons but that Benin will examine the issue. He indicated that in the national legal arsenal, many measures have been taken.

54. In relation to corruption, a law against corruption and similar offences which is currently before the National Assembly and the Law Commission. In addition, the President of the Republic has called for a green march against corruption. According to the latest analysis, corruption is still not fully eradicated in Benin, but measures are being taken to reach level of zero corruption between now and 2015. With respect to polygamy, he indicated that it is forbidden in Benin since the adoption of the Persons and Family Code. Measures of public awareness have been taken to ensure that all sectors know about this, with the help NGOs. On the issue of the judiciary, a common criticism is the delay of the courts in proceeding cases, often due to understaffing. The State has been recruiting additional personnel, and a new law on the Organisation of the Judiciary was adopted, which provides for the creation of courts of first instance and two courts of appeal. On the issue of the death penalty, there is a moratorium and people condemned to death have not subsequently been executed. One difficulty that Benin will need to deal with in the next few months is the fear that Benin may become a refuge for gangsters from neighbouring countries. However, since there is excellent cooperation with neighbouring countries, Benin will manage to overcome this although currently this is a huge source of concern. The moratorium will become an official policy.

55. The head of the delegation expressed his sincere thanks to all present, showed his satisfaction with the prevailing atmosphere and the fruitful discussion. He noted that many concerns were expressed in connection with rights and freedoms in Benin, but highlighted that the Beninese were aware of these issues. There exists in Benin a clear political will to promote and protect

individual rights. Benin wishes to commit itself to take all necessary measures to make human rights effective and universal, in conformity with the UPR and request the support of the international community to make human rights a triumph in Benin.

II. CONCLUSIONS AND/OR RECOMMENDATIONS

56. **In the course of the discussion, the following recommendations were made to Benin:**

- 1. Recommended that Benin strengthen its cooperation with special procedures of the Human Rights Council, by accepting visits, replying to communications, urgent measures as well as to questions by special procedures (Mexico);**
- 2. Recommended to Benin to take steps to promote institutions and human rights bodies and to search the support of the international community (Brazil);**
- 3. Recommended that Benin systematically and continuously integrate a gender perspective in the follow-up process to the review (Slovenia);**
- 4. Recommended that Benin reinforce measures to ensure that women are no longer subjected to forced marriage. This could be supported by developing and implementing comprehensive educational measures on the provisions of the Persons and Family Code and on other relevant laws (Denmark);**
- 5. Recommended to Benin to take the necessary steps to strengthen its fight against discriminatory practices and violence against women (France);**
- 6. Recommended that Benin consider decriminalizing homosexual activities between consenting adults (Belgium);**
- 7. Recommended that Benin continue its efforts to completely abolish the death penalty, respecting thus the right to life of every human being (Holy See);**
- 8. Invited Benin to consider the abolition of death penalty and to consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (Mexico);**
- 9. Recommended that Benin, following the recommendation of the Committee against Torture, establish without further delay an effective and independent national preventive mechanism (Denmark);**
- 10. Recommended that Benin urgently amend its criminal law to comply with international relevant standards (Denmark);**
- 11. Recommended that Benin develop an awareness campaign to address traditional beliefs that are harmful to the rights of children, especially their right to life (Holy See);**
- 12. Recommended that Benin establish torture as a criminal offence in accordance with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and stipulate that obeying orders of superiors can not justify it (Canada);**

13. **Recommended that Benin take measures to ensure that torture is defined and listed as a specific offence within Benin's criminal law (United Kingdom);**
14. **Recommended that Benin ensures that no statement obtained under torture or duress can be invoked in proceedings and that orders from a superior may not be invoked as a justification of torture (Denmark);**
15. **Recommended that Benin should investigate allegations of torture and ill treatment and bring to justice those responsible in line with international standards (Canada);**
16. **Recommended that Benin display greater firmness in preventing abuses of police custody, torture and ill-treatment and brings criminal proceedings against the perpetrators of such violations (Denmark);**
17. **Recommended that Benin take effective measures to ensure that prison conditions are consistent with international standards (Netherlands);**
18. **Recommended that Benin take further steps to establish and implement laws against domestic violence and the trafficking of women and children, and to ensure that existing laws prohibiting female genital mutilation are reviewed and enforced throughout the country (United Kingdom);**
19. **Recommended to Benin to better apply the existing laws concerning trafficking in children and human being (Canada);**
20. **Recommended that Benin promote the visit of the Special Rapporteur on the sale of children, child prostitution and child pornography which could contribute to the efforts of Benin in its protection of children (Mexico);**
21. **Recommended to Benin to accelerate and strengthen its efforts to elaborate laws and policies to deal with female genital mutilation practices (Canada);**
22. **Recommended to Benin to give more importance to the schooling of girls in its education programmes, which would certainly contribute to combat female genital mutilation (Mauritania);**
23. **Recommended to Benin to establish as a priority a reform of the judiciary by strengthening a justice system which would be better able to combat impunity and corruption, including by putting an end to exaggerated pre-trial detention (Canada);**
24. **Recommended to Benin to consider , with targeted international support, the extension of free education up to the secondary level; and to continue the information campaign in favour of admitting girls to school (Algeria);**
25. **Recommended to Benin that it continue its efforts to ensure greater promotion of the rights of women in particular those of girls in the areas of education and health care (Tunisia);**
26. **Recommended that Benin intensify its efforts to favour support and material assistance to the most marginalized families and the most underprivileged**

families to effectively guarantee the rights of children through a sufficient standard of living and the right to education inter alia (Belgium);

- 27. Encouraged Benin, in particular in the areas of economic, social and cultural rights, to continue achieving its progress (Cuba);**
 - 28. Encouraged Benin to intensify its efforts to guarantee to its people the right to food and all other human rights (Republic of Korea);**
 - 29. Recommended to Benin to continue its focus on the eradication of poverty and in ensuring general well-being of its people (Nigeria);**
 - 30. Recommended that Benin continue its acceleration of the poverty alleviation strategies with a view to allowing the economic emancipation of the poorer communities, including women and other vulnerable groups (South Africa);**
 - 31. Recommended to Benin to develop a national policy and further measures concerning disabled persons in order to give disabled children access to social and health services (Ireland);**
 - 32. Recommended that Benin continue to strengthen its efforts to provide for better legal protection for vulnerable groups and to guarantee their rights on the ground (Netherlands);**
 - 33. Recommended that Benin explore ways to partner with the international community in the context of international cooperation in the provision of technical assistance to deal with challenges caused by the difficult economic situation (South Africa);**
 - 34. Recommended that Benin share with the least developed countries its efforts to overcome its challenges in enhancing economic cooperation with other developing and developed countries at bilateral, regional and multilateral levels (Sudan).**
57. The response of Benin to these recommendations will be included in the outcome report adopted by the Human Rights Council at its eighth session.
58. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Benin was headed by H.E. Mr. Honoré AKPOMEY, Directeur de Cabinet du Ministre de la Justice de la Législation et des Droits de l'Homme, and composed of eight members:

Mme Anne-Marie AKPOVO, Conseiller Technique Juridique au Ministère de la Prospective, du Développement et de l'Evaluation de l'Action publique;

M. Naïm AKIBOU, Chargé d'Affaires a.i. à la Mission Permanente du Bénin à Genève;

M. Thierry ALIA, Diplomate, Directeur des Droits de l'Homme au Ministère de la Justice, de la Législation et des Droits de l'Homme;

M. Yao AMOUSSOU, Premier Conseiller à la Mission Permanente du Bénin à Genève;

Mme Marie Gisèle ZINKPE, Chef de Service de la Vulgarisation et de la Promotion des droits de l'homme;

M. Dieudonné TODJIHOUNDE, Chef du Service des Associations et Organismes de défense des Droits de l'Homme à la Direction des droits de l'homme du Ministère de la Justice, de la Législation et des Droits de l'Homme;

M. Erick Martial HACHEME, Juriste, Chef du Service de Protection et Défense des Droits de l'Homme par intérim;

Mme Nadia FAGNISSE, Juriste, en service à la Direction des Droits de l'Homme.
